



U.S. Department of Justice

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By Email

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Re: United States v. Pullman, et al, Criminal No. 19-10345-DPW

Dear Counsel:

The government responds to your discovery letter dated November 3, 2020, as follows:

SPAM Expense Reports/Rip Sheets/Requests for Reimbursement

1. The government previously produced all responsive documents in its possession, custody or control. Specifically, the government produced all records provided by SPAM in response to grand jury subpoenas for expense reimbursement records from January 1, 2012 to September 2018. The records can be found at USAO-MA-00200059 through USAO-MA-00203320.

MSP Internal Affairs Files

2. The government previously produced all responsive documents in its possession, custody or control. Specifically, the government produced all records provided by the Massachusetts State Police (the MSP) in response to grand jury subpoenas for all records from January 1, 2014 to August 2018, to include personnel files and internal affairs files, for the following members of the MSP: Dana Pullman, Timothy Babbin, Andrew Daly, Edward Hunter, Mark Lynch, Jeffrey Gordon, Jeffrey Gilbert, Kevin Fredette, Mike Sullivan, Timothy Gillsepie, Karle Brenner, Paul Crowley, Paul Powell, Jr., Scott Holland and David Patterson. These

records may be found at USAO-MA-000281509 through USAO-MA_00287002. The government recently requested that the MSP provide additional records regarding Mark Lynch responsive to the subpoena, which records were not included in the 2018 MSP productions. Upon receipt of those records, the government will promptly produce them to defendants.

Records regarding Taser and Mark43

3. The government previously produced all responsive documents in its possession, custody or control. Specifically, the government produced all records provided by SPAM, the MSP, the Department of Corrections, Mark43, Taser (Axon) and Lynch Associates in response to grand jury subpoenas. These records may be found at USAO-MA-00000001 through USAO-MA-00000252 and USAO-MA-00353751 through USAO-MA-00354505 (Taser/Axon), USAO-MA-00392369 through USAO-MA-00392371 (Mark43), USAO-MA-00378023 through USAO-MA-00379119 (DOC), USAO-MA-00274610 through USAO-MA-00274905 and USAO-MA-326008 through USAO-MA-00326016 (MSP), USAO-MA-00012051 through USAO-MA-00020425, USAO-MA-00025911 through USAO-MA-00027051 and USAO-MA-00203636 through USAO-MA-00204736, USAO-MA-00356328 through USAO-MA-00359715 (SPAM), USAO-MA-00002197 through USAO-MA-00035948, USAO-MA-00022119 through USAO-MA-00024151, USAO-MA-00030596 through USAO-MA-00054366 and USAO-MA-00392353 through USAO-MA-00392360 (Lynch Associates).

Copies of Investigative Reports

4. The government objects to Request Number 4 on the grounds that it requests the production of information the government is not obligated to provide. The government previously produced any responsive information that it was obligated to produce under Local Rules 116.1(c) and 116.2, and Federal Rule of Criminal Procedure 16(a)(1). Subject to and without waiving these objections, the government will produce investigative reports responsive to Request Number 4 on or before December 1, 2020. The government further states that it will make appropriate disclosures under 18 U.S.C. § 3500 and Local Rule 116.2(b)(2) no later than 21 days before trial.

Copies of Grand Jury Transcripts of Lead Case Agent(s)

5. The government objects to Request Number 5 on the grounds that it requests the production of information the government is not obligated to provide. The government previously produced any responsive information that it was obligated to produce under Local Rules 116.1(c) and 116.2, and Federal Rule of Criminal Procedure 16(a)(1). The government will make appropriate disclosures under 18 U.S.C. § 3500 and Local Rule 116.2(b)(2) no later than 21 days before trial.

Formal Contracts between SPAM and Lynch Associates

6. The government previously produced all responsive documents in its possession, custody or control. Specifically, the government produced all records provided by SPAM and Lynch Associates pursuant to grand jury subpoenas for records related to such contracts from January 1, 2012 to October 2018. These records may be found at USAO-MA-00012051 through USAO-MA-00020425, USAO-MA-00025911 through USAO-MA-00027051 and USAO-MA-00203636 through USAO-MA-00204736, USAO-MA-00356328 through USAO-MA-00359715 (SPAM) and USAO-MA-00002197 through USAO-MA-00035948, USAO-

MA-00022119 through USAO-MA-00024151, USAO-MA-00030596 through USAO-MA-00054366 and USAO-MA-00392353 through USAO-MA-00392360 (Lynch Associates)..

Records of Payments by Lynch Associates to SPAM E-Board Members and Families

7. The government previously produced all responsive documents in its possession, custody or control.

Promises, Rewards and Inducements

8. The government objects to Request Number 8 on the grounds that it is not obligated to produce information regarding promises, rewards, or inducements made to witnesses it does not intend to call in its case-in-chief. *See* Local Rule 116.2(B)(1). Subject to and without waiving this objection, the government disclosed in its October 21, 2019 automatic discovery letter that (1) Andrew Daly, Edward Hunter, Mark Lynch, Dave Patterson, Scott Holland, Timothy Babbitt, Kevin Freddette, and Paul Crowley provided information pursuant to proffer agreements with the United States Attorney's Office SPAM_NR_00000073 - SPAM_NR_00000116, and (2) Andrew Daly provided information pursuant to an immunity agreement with the United States Attorney's Office SPAM_NR_00000117 - SPAM_NR_00000121. No promises, rewards or inducements were made to Timothy Gillespie or Richard Brown.

Unindicted Co-Conspirators

9. The government objects to Request Number 9 on the grounds that it requests the production of information the government is not obligated to provide. The government previously produced any responsive information that it was obligated to produce under Local Rules 116.1(c) and 116.2, and Federal Rule of Criminal Procedure 16(a)(1), including the names of unindicted coconspirators. The government will make appropriate disclosures under 18 U.S.C. § 3500 and Local Rule 116.2(b)(2) no later than 21 days before trial.

Investigations by State Authorities

10. The government is not aware of any state law enforcement investigation described in Request Number 10.

The government anticipates providing an index of the discovery provided to date on or before December 1, 2020.

Very truly yours,

ANDREW E. LELLING
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BY: /s/ Kristina E. Barclay
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